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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,519	03/15/2001	Cheng Zhou	T00066	6188
33438 7590 06/24/2010 HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720				
EXAMINER				
FELTEN, DANIEL S				
ART UNIT		PAPER NUMBER		
3693				
NOTIFICATION DATE		DELIVERY MODE		
06/24/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tmunoz@hamiltontertile.com

Office Action Summary

Application No.

09/810,519

Applicant(s)

ZHOU ET AL.

Examiner

DANIEL S. FELTEN

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/27/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 10, 12, 13, 37-40, 42, 43, 46 and 48-50 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-4, 6, 7, 10, 12, 13, 37-40, 42, 43, 46 and 48-50 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Per Pre-Appeal Conference decision held 4/12/2010 the final rejection of 7/27/2009 is WITHDRAWN and prosecution is reopened. Claims 1-4, 6, 7, 10, 12, 13, 37-40, 42, 43, 46 and 48-50 are now pending in the application and are

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 1-4, 6, 7, 10, 12 and 13 fail the machine or transformation test because the claims are not tied to a particular machine inasmuch as (1) "...using a computer system" has limited patentable weight, being in the preamble and not properly linked to any of the limitations in the body of the claim. (2) using a computer system can connote a process of computer steps (software only) without providing any structure. Also there is no clear indication from these claims of how the computer implements any of the steps in the process.

At least in claim 1 there is not clear what is being transformed in these claims other than their location. In order to pass the transformation test an article must be changed to a different state or thing. In this case the article is compensation (or payment). Although the claim(s) talks about compensation rules or repayment rules it is not clear if a new or different function to the article has been performed to change it other than changing its location.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 7, 10, 12, 13, 37-40, 42, 43, 46 and 48-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Gozdeck et al (US 6,636,852) in view of Carrott (US 6,782,369) Gozdeck discloses a method for consolidating net payment and debt management using a computer system (100, 114)(Fig. 1)comprising:

obtaining one or more ledger items for a distributor from a commission model (see Abstract ;

generating compensation for said distributor by processing said one or more ledger items through one or more adjustment rules (see column 1, lines 57-67; column 2, lines 3-59)(see column 4, lines 34-51), wherein each of said one or more adjustment rules operates on each of said one or more ledger items; obtaining repayment rules for any advances received by said distributor (see column 2, line 61 to column 3, line5) ; dividing said compensation into one or more distribution amounts for payment into one or more accounts of said distributor based on one or more payment rules and said repayment rules, said one or more accounts comprising repayment accounts for said any advances and other payment accounts designated by said

distributor; and paying said one or more distribution amounts into said one or more accounts of said distributor (see column 3, lines 6-33)(see fig. 4 and fig. 5, column 8, lines 36+).

Official notice is taken of sales agreements because it would have been an obvious extension to the teachings of Gozdeck being within what one of ordinary skill in the business art would have expected Gozdeck to have employed from its common practice within the art from antiquity for two parties to make legal transactions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kramer James can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten
Primary Examiner
Art Unit 3693

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